

THE NATIONAL ARCHIVES  
LITTERA  
SCRIPTA  
MANET  
OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 2      1934      NUMBER 251

*Washington, Wednesday, December 29, 1937*

**PRESIDENT OF THE UNITED STATES.**

**EXECUTIVE ORDER**

TRANSFERRING CERTAIN LANDS FROM THE DEPARTMENT OF AGRICULTURE TO THE DEPARTMENT OF COMMERCE AND RESERVING THEM AS THE MCKINNEY LAKE FISH HATCHERY

*North Carolina*

By virtue of and pursuant to the authority vested in me under Title II of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 200), it is ordered that the following-described lands in Richmond County, North Carolina, acquired by the United States through the Farm Security Administration, be, and they are hereby transferred from the Department of Agriculture to the Department of Commerce and reserved and set apart for the use of the Department of Commerce, Bureau of Fisheries, subject to valid existing rights, as a fish hatchery:

Beginning at the intersection of two lines cut in the top of a granite monument, 7 in. by 5 in. standing 4 in. above the ground, the geographic position of which is in latitude 35°00'21" N. and longitude 79°38'19" W. from Greenwich, from which the azimuth (measured clockwise from true South) and distance to the U. S. Coast and Geodetic Survey Triangulation station Cognac is 137°18'47", 15,304.7 feet;

Thence by true azimuth (measured clockwise from true South at said triangulation station Cognac) 106°29'26", 1111.92 ft. to and through a concrete monument, which is 6 in. square and set 4 in. above the ground and upon which is a 3 in. bronze disk marked U. S., offset 30 ft. from the center line of the old Rockingham Road, to the center line of said road;

Thence along the center line of said road 200°23'26", 563.34 ft. to a slight curve in the road;

Thence along the center line of said road 200°50'26", 1209.60 ft. crossing Hitchcock Creek to a slight curve in said road;

Thence along center line of said road 187°29'56", 201.75 ft. to the intersection with a line of the W. B. Cole property;

Thence along said line of the W. B. Cole property 276°01'56", 521.26 ft. to and through a concrete monument which is offset 30 ft. from the center line of the old Rockingham Road, to a concrete monument;

Thence 190°07'56", 1011.42 ft. along another line of the W. B. Cole property to and through a concrete monument, which is offset 60 ft. along the line to a point in the north edge of the old Rockingham Road;

Thence to and along the center line of the old Rockingham Road 248°06'56", 2164.54 ft. to a point opposite the east edge of the Hatchery Road;

Thence 339°17'56", 735.27 ft. to and through a concrete monument, which is offset 30 ft. from the center line of the old Rockingham Road, to a point by the east side of the Hatchery Road;

Thence 334°17'56", 607.63 ft. to a point near the east side of the Hatchery Road;

Thence 352°57'56", 291.75 ft. to a point by the east side of the Hatchery Road;

Thence 351°21'56", 759.33 ft. to a 2 in. iron pipe which is by the east side of the Hatchery Road;

Thence leaving Hatchery Road, 320°50'26", 231.96 ft. to a concrete monument;

Thence 269°13'56", 5748.45 ft. to a concrete monument;

Thence 269°15'26", 1968.98 ft. to a concrete monument;

Thence 90°02'56", 5184.03 ft. to and through a pine tree and two 2 in. iron pipes, which are offset 5 ft. from the pine tree on the line, to a concrete monument across Hatchery Road;

Thence 117°11'42", 1193.14 ft. to and through a concrete monument, which is offset 30 ft. along the line, to a point in the fire lane;

Thence 96°47'56", 418.48 ft. along the center line of the fire lane to a point;

Thence 117°53'26", 490.66 ft. along the center line of the fire lane to a point;

Thence 95°12'56", 366.18 ft. along the center line of the fire lane to a point;

Thence 70°41'56", 564.13 ft. along the center line of the fire lane to a point;

Thence 70°41'26", 600.40 ft. along the center line of the fire lane to a point;

Thence leaving the fire lane, 81°52'26", 331.63 ft. to and through a 2 in. pipe, which is offset 30 ft. along the line, to a granite monument, the place of beginning. The tract contains 503.27 acres, inclusive of a 15-acre exception.

There is expressly excepted and excluded from the above-described tract of land a tract containing 15 acres, more or less, and embraced in the boundaries above described, together with a perpetual easement, the same being expressly reserved, excepted and excluded from a conveyance to the United States by the deed of the Guaranty Trust Company of New York and John R. McKinney, Executors and Trustees of the estate of Glenn Ford McKinney, deceased, dated September 3, 1935, and recorded among the land records of Richmond County, North Carolina, in Liber 223, folio 580, which is more particularly described and defined as follows:

Beginning at a stake in the southerly end of the dam impounding the waters of the South Pond Lake, said stake being driven on the easterly side thereof and at the estimated low-water mark of said lake;

Thence S. 15°50' E., 16.10 chs. on the line of said dam to a stake near the crest of the hill;

Thence S. 87°20' E., 9.81 chs. to a large lone leaf pine;

Thence N. 11°45' E. 9.39 chs., passing a poplar tree near the water's edge, to a stake driven at the estimated low-water mark of said lake;

Thence, along the low-water level of said lake with its various inlets and jettying points, to the place of beginning.





Published by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. L. 500), under regulations prescribed by the Administrative Committee, with the approval of the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1 per month or \$10 per year; payable in advance. Remit by money order payable to Superintendent of Documents, Government Printing Office, Washington, D. C.

Correspondence concerning the publication of the FEDERAL REGISTER should be addressed to the Director, Division of the Federal Register, The National Archives, Washington, D. C.

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The low-water level has approximately the following calls and distances, to-wit:

N. 47°10' W. 1.70 chs.	N. 19°45' W. 2.41 chs.
S. 78°00' W. 1.91 chs.	N. 46°10' W. 1.65 chs.
N. 66°00' W. 2.88 chs.	N. 77°45' W. 2.76 chs.
N. 88°45' W. 3.82 chs.	N. 71°10' W. 1.91 chs.

The low-water mark of the lake shall govern the closing boundaries of the tract regardless of the magnetic calls thereof.

The perpetual easement described in the deed, above referred to, from the Guaranty Trust Company of New York and John R. McKinney to the United States, is for the use and benefit of the present and future owners of the 15-acre tract above described, their assigns, successors, and guests

as a means of ingress and egress over a roadway, which shall be kept open for that purpose, and which leads from the Hoffman-Rockingham sand clay road to the Glenn Ford McKinney cabin. The roadway is 80 ft. wide, measured 40 ft. on either side of a line following the center of the present roadway.

This reservation shall be known as the McKinney Lake Fish Hatchery.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,  
Dec. 27 1937

[No. 7775]

[F. R. Doc. 37-3794; Filed, December 28, 1937; 9:54 a. m.]

## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

[Docket No. 69-FD]

### IN THE MATTER OF WATSON COAL COMPANY

#### ORDER FOR AND NOTICE OF HEARING

The above named petitioner, having filed with the Commission its petition appealing the classification of its coals proposed by District No. 14, and the Commission having duly considered the same, the National Bituminous Coal Commission hereby orders and directs:

1. That a hearing on such petition be held before an Examiner designated by the Commission on the 5th day of January, 1938, at 10:00 o'clock A. M. at the Hearing Room of the Commission in the Walker Building, Washington, D. C.

2. It is further ordered that District Board No. 14, shall, forthwith, file with the Commission the record of all proceedings on the protest of the Watson Coal Company filed with the District Board on September 28, and decided by the Board on or about October 7, 1937.

3. The Secretary of the Commission, shall, forthwith, mail copies of this order to the Petitioner, the Consumers' Counsel, the Secretary of Bituminous Coal Producers' Board for District No. 14, and to code members within said district and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 28th day of December, 1937.

[SEAL]

F. WITCHER McCULLOUGH, Secretary.

[F. R. Doc. 37-3796; Filed, December 28, 1937; 11:07 a. m.]

[Docket No. 127-FD]

### IN THE MATTER OF WILBUR COAL MINING COMPANY

#### TEMPORARY ORDER

The Wilbur Coal Mining Company having filed with the Commission a petition alleging dissatisfaction with the classification of the coals of its Knickerbocker No. 4 Mine as set forth in the Revised Classification Schedule 1—District No. 1, established by the Commission by its Order No. 125;<sup>1</sup> and the Commission having directed that an ex parte hearing be held upon such petition on the 21st day of December, 1937; and it appearing to the Commission at such hearing that the petitioner had proceeded in conformity with Orders No. 38 and No. 43<sup>2</sup> by filing with District Board No. 1 a petition protesting the initial classification of its coals of Knickerbocker No. 4 Mine, and that the District Board had set the matter down for hearing on the 23rd day of December, 1937; and the Commission having continued the ex parte hearing held December 21, 1937 until ten o'clock A. M., December 27, 1937, at which time District Board No. 1 was

<sup>1</sup> 2 F. R. 3256 (DI).

<sup>2</sup> 2 F. R. 1688, 2149 (DI).



directed to render a report as to the outcome of the protest of the petitioner to District Board No. 1 as to the initial classification of the coals of the aforesaid mine; and the Commission having duly designated an examiner to hold the continued hearing; and it appearing to the Commission that petitioner should be granted a temporary order, the Commission hereby orders as follows:

1. That Revised Classification Schedule 1—District No. 1 of the Schedule of Initial Classifications of coals of Code Members produced within District No. 1 be and the same hereby is temporarily revised and amended until further order of the Commission, by striking therefrom, at page No. 10 opposite the name of the Wilbur Coal Mining Company, Knickerbocker #4 Mine, the symbol "D" and inserting in lieu thereof the symbol "E".

2. That the Secretary of the Commission shall forthwith mail copies of this order to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area One; and to code members within District Number 1; shall cause copies of this order to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission; and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 27th day of December, 1937.

[SEAL] F. WITCHER McCULLOUGH, Secretary.

[F. R. Doc. 37-3795; Filed, December 28, 1937; 11:07 a. m.]

[Order No. 156]

AN ORDER DIRECTING CODE MEMBERS AND WHOLESALERS AND FARMERS' COOPERATIVE ORGANIZATIONS SUBJECT TO MARKETING RULES AND REGULATIONS OF THE COMMISSION TO FILE WITH THE STATISTICAL BUREAUS DESIGNATED BY THE COMMISSION COPIES OF CERTAIN INVOICES, CREDIT MEMORANDA AND OTHER STATISTICAL INFORMATION

Pursuant to Section 4, Part II, Subsection (a) of an act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937 and pursuant to Section III, Subsection 4, paragraph 5 and Section IV, Subsection 3, paragraph 5 of the Marketing Rules and Regulations of the Commission,<sup>1</sup> the National Bituminous Coal Commission hereby orders and directs:

1. That beginning with January 1, 1938, all code members or their authorized sales agents shall file with the statistical bureau of the Commission for the district in which any of their mines are located copies of all invoices rendered for coal produced at such mines. Such copies of invoices are to be filed currently as rendered, and unless otherwise permitted, are to be carbon copies of the originals with such added applicable information shown thereon as is hereinafter set forth.

2. That invoices for coal shipped in carload or cargo lots shall show on their face the following information:

- a. Invoice number and date of invoice.
- b. Name of the code member producer.
- c. Address of code member.
- d. Name of originating mine.
- e. Date of shipment.
- f. Name of wholesaler or farmers' cooperative organization, if any.
- g. Name of consignee.
- h. Final destination of all rail, river or ex-river shipments, and in the case of coal for a wholesaler's account trans-shipped to vessel, the port of trans-shipment.
- i. Name of originating carrier.
- j. Name of delivering carrier.
- k. Actual size shipped.
- l. Actual size billed or Permit Number if substitution permitted.
- m. Car number and initial or barge number and name.

- n. Contract or order number on which shipment applies.
- o. Total selling price per ton.
- p. Total weight of lading.
- q. Total amount. (Dollars and cents.)
- r. Freight differential added or deducted.
- s. Rate and amount of wholesale discount.
- t. Transportation charges prepaid by shipper.
- u. Terms of payment.
- v. Description of preparation of coal if treated or mechanically cleaned.
- w. Specific use for which ordered if coal for such use is specially priced on the price schedule.
- x. The statistical bureau copy must show, by number, which one of the following consumer uses under which the shipment should be classified:

- (1) Locomotive Fuel.
- (2) Lake Vessel Fuel.
- (3) Steamship Bunker Coal.
- (4) Public Utilities for Electric Power Generation.
- (5) General Steam Uses.
- (6) Cement and Lime Burning.
- (7) Retort and Water Gas.
- (8) Other Gas-Making Plants.
- (9) By-Product Coke Plants and Metallurgical Uses.
- (10) Domestic Coal and Retail Coal Yards.
- (11) Industrial General (Not otherwise classified).
- (12) Export Except to Canada and Car Ferry Shipments to Cuba.
- (13) Lake Cargo—Consumer Class Not Known.
- (14) Tidewater Coastwise Shipments—Consumer Class Not Known.

3. In addition to invoices, all code members and their authorized sales agents, beginning January 1, 1938, shall file with the proper statistical bureau of the Commission the following sales memoranda:

- a. Credit or debit memoranda showing all adjustments, either credit or debit, made with buyers of coal; such memoranda to show, by invoice number or otherwise, the particular transaction to which the credit or debit applies.
- b. Memoranda of all changes in specifications, so made out that reference to the order or contract to which such changes apply will cause no difficulty in identification.
- c. A statement in the following form which will accompany copy of the last invoice rendered for coal shipped during any month.

(Address)

-----, 193--

National Bituminous Coal Commission  
Statistical Bureau No. ----

Attached hereto is a copy of the last invoice rendered for coal shipped from ----- mine during the month of -----, 193--

(Code Member)

4. In lieu of filing individual invoices, a code member may file a monthly report of all sales of coal in less than carload or cargo lots, to be made on standard form N. B. C. C. No. 225-S prescribed and provided by the Commission and filed within five days after the close of the calendar month.<sup>1</sup> A supply of these forms will be furnished upon application to the appropriate Statistical Bureau.

5. Each code member shipping by rail shall deliver to the statistical bureau for the district in which any of his mines are located an order authorizing the railroads serving such mines to furnish the statistical bureau with copies of all waybills for coal shipped from such mines.

6. All wholesalers and farmers' cooperative organizations subject to the Marketing Rules and Regulations of the Commission and to whom a code member or his authorized agent may allow a wholesalers' discount shall file currently, beginning January 1, 1938, with the statistical bureau of

<sup>1</sup> Form 225-S was a part of the original document filed with the Division of the Federal Register, The National Archives.



the Commission for the district in which coal purchased for resale originates the following information:

a. Copies of all invoices rendered showing thereon the date of acceptance and number of vendee's contract or order, the name of the code member from whom the coal was purchased, the total tonnage, the total selling price per ton, the place at which the price applies and, when possible, the name of the mine.

7. All records filed by code members, wholesalers and farmers' cooperative organizations in conformity with this order shall be held by the Commission and its statistical bureaus as the confidential records of the person filing such information as provided in the provisions of the Act.

8. Failure of any code member to comply with the requirements of this order shall be deemed a violation of the Bituminous Coal Code and the Act, and shall subject the delinquent producer to the penalties therein provided; failure of any wholesaler or farmers' cooperative organization to comply with the requirements of this order shall subject such delinquent distributor to loss of registration.

9. The provisions of this order are not intended to modify or revoke the provisions of Order No. 14<sup>1</sup> concerning the filing of contracts and spot orders as required therein, but such order remains in full force and effect.

10. The Secretary of the Commission shall forthwith mail a copy of this order to the Secretary of each district board, to each code member in the several districts, and to all wholesalers and farmers' cooperative organizations affected by this order.

11. Code members, wholesalers and farmers' cooperative organizations may mail copies of the required documents, postage prepaid, in envelopes marked "Confidential", to the appropriate statistical bureau of the National Bituminous Coal Commission.

For the information of code members, wholesalers and farmers' cooperative organizations, there is attached hereto a list showing the addresses of the respective statistical bureaus.

By order of the Commission.

Dated this 18th day of December, 1937.

[SEAL] F. WITCHER McCULLOUGH, *Secretary*.

#### Statistical Bureaus

District No.	City	Building and street
1	Altoona, Pa.	12th Ave. and 12th Street.
2	Pittsburgh, Pa.	Empire Building, 507 Liberty St.
3	Fairmont, West Va.	Jacobs Building, Monroe & Meredith.
4	Cleveland, Ohio	501 Bulkeley Building, Euclid Ave.
5	Saginaw, Michigan	Golf Building, Franklin Street.
6	Wheeling, West Va.	Register Building, 14th and Market.
7	Bluefield, West Va.	Law & Commerce Building, Federal St.
8	Ashland, Kentucky	Josselson Building.
9	Louisville, Kentucky	Starks Building.
10	Chicago, Illinois	Merchandise Mart.
11	Indianapolis, Ind.	Chamber of Commerce Building.
12	Des Moines, Iowa	Walnut Building.
13	Birmingham, Alabama	Education Building.
14	Fort Smith, Arkansas	First National Bank Building.
15	Kansas City, Missouri	12th and Oak Building.
16	Denver, Colorado	Central Savings Bank Building.
17	Denver, Colorado	Central Savings Bank Building.
18	Albuquerque, N. Mex.	Korber Building.
19	Cheyenne, Wyoming	Post Office Building.
20	Salt Lake City, Utah	Union Pacific Building.
21	Bismarck, North Dakota	
22	Billings, Montana	Empire Building.
23	Tacoma, Washington	Puget Sound Bank Building.

Address your communication as follows:

National Bituminous Coal Commission,  
Statistical Bureau No. -----

(City) (State)

[F. R. Doc. 37-3775; Filed, December 27, 1937; 11:35 a. m.]

<sup>1</sup> 2 F. R. 1476 (DI).

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

[Docket No. A-63 O-63]

#### NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER REGULATING HANDLING OF CITRUS FRUIT GROWN IN FLORIDA

Whereas under Public Act No. 10, 73rd Congress, as amended and as reenacted by the Agricultural Marketing Agreement Act of 1937, notice of hearing is required in connection with a proposed marketing agreement or a proposed order, and the General Regulations, Series A, No. 1, as amended,<sup>1</sup> of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice; and

Whereas the Secretary of Agriculture has reason to believe that the execution of a marketing agreement and the issuance of an order will tend to effectuate the declared policy of said act with respect to the handling in interstate and foreign commerce, and such handling as directly burdens, obstructs, or affects interstate or foreign commerce, of citrus fruit grown in the State of Florida;

Now, therefore, pursuant to the said act and said general regulations notice is hereby given of a hearing to be held on a proposed marketing agreement and a proposed order regulating such handling of citrus fruit grown in the State of Florida in the City Auditorium, Lakeland, Florida, on January 17, 1938 at 10:00 a. m., e. s. t.

This public hearing is for the purpose of receiving evidence as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and as to the specific provisions which a marketing agreement and order should contain.

The proposed marketing agreement and the proposed order each embodies, in similar terms, a plan for the regulation of such handling in interstate and foreign commerce, and such handling as directly burdens, obstructs, or affects interstate or foreign commerce, of citrus fruit grown in the State of Florida. Among other things, the proposed marketing agreement and order provide for: (a) the establishment of a Control Committee, (b) weekly regulation of quantities to be shipped, (c) grade regulation of shipments, (d) expenses of administration, and other matters relating to the handling of citrus fruit grown in the State of Florida.

Copies of the proposed marketing agreement and proposed order may be inspected in or procured from the Hearing Clerk, Office of the Solicitor, Room 0318, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL] H. A. WALLACE,  
*Secretary of Agriculture.*

Dated December 27, 1937.

[F. R. Doc. 37-3793; Filed, December 27, 1937; 3:38 p. m.]

## INTERSTATE COMMERCE COMMISSION.

At a Session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 18th day of December, A. D. 1937.

### ORDER IN THE MATTER OF A UNIFORM SYSTEM OF ACCOUNTS TO BE KEPT BY ELECTRIC RAILWAYS

In the matter of the order of July 13, 1937, effective July 1, 1937, prescribing operating-revenue account 108½, "Protective service revenue—Perishable freight," for electric rail-

<sup>1</sup> 1 F. R. 155.



ways, and the order of July 31, 1937, changing the effective date to January 1, 1938.<sup>1</sup>

*It is ordered*, That the effective date be changed to January 1, 1939.

By the Commission, division 4.

[SEAL]

W. P. BARTEL, *Secretary*.

[F. R. Doc. 37-3798; Filed, December 28, 1937; 12:17 p. m.]

At a Session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 18th day of December, A. D. 1937.

<sup>1</sup> 2 F. R. 1506, 1652 (DI).

ORDER IN THE MATTER OF A UNIFORM SYSTEM OF ACCOUNTS  
TO BE KEPT BY STEAM ROADS

In the matter of the order of July 13, 1937, effective July 1, 1937, prescribing operating-revenue account 117, "Protective service—Perishable freight," for steam roads, and the order of July 31, 1937, changing the effective date to January 1, 1938.<sup>1</sup>

*It is ordered*, That the effective date be changed to January 1, 1939.

By the Commission, division 4.

[SEAL]

W. P. BARTEL, *Secretary*.

[F. R. Doc. 37-3797; Filed, December 28, 1937; 12:17 p. m.]

<sup>1</sup> 2 F. R. 1506, 1651 (DI).

